

**AMENDMENTS TO THE DRAWINGS**

The attached two sheets of drawings includes changes to Fig. 1 (first sheet) and Fig. 2 (second sheet). The two sheets replace the original two sheets.

Attachment: Two Replacement Sheets

### REMARKS

Claims 1-18 are pending in the present application. Applicants note with appreciation the allowance of claims 4, 10, 14 and 18. With entry of this Amendment, Applicants amend claims 1-3, 5, 6 and 15-18 and add new claims 19-21. Reexamination and reconsideration are respectfully requested.

#### Objections to the Drawings

The Examiner objected to Fig. 2 for failing to refer to "ch1" as described in the paragraph beginning on page 12, line 23. Applicants submit herewith a replacement sheet for Fig. 2 in which "(chs 1-6)" is added under the heading "STRING INPUT SECTION." It is believed that the specification provides support for this amendment including, without limitation, the following sentence from the cited paragraph: "six sounding channels (ch) are set, and the stringed operating elements 51a to 51f correspond to the respective changes (ch1) to (ch6)." Accordingly, Applicants respectfully request that the objection be withdrawn.

The Examiner further objected to Fig. 2 for failing to refer to "PIT(ch)" as described in the paragraph beginning on page 12, line 34 and continuing to page 13, line 12. Applicants note that paragraph describes PIT(ch) as the designated sounding pitch. Because it is a variable to be designated, it does not make sense to be added to the functional blocks illustrated in Fig. 2. Moreover, four lines down from the above paragraph, there is a further description of PIT(ch) and a citation to steps S310 and 313 in Fig. 3. (See specification at the paragraph beginning on page 13, line 16.) Thus, Applicants respectfully submit that an amendment to Fig. 2 is unnecessary with respect to PIT(ch) and respectfully request that the rejection be withdrawn.

The Examiner objected to a paragraph in the specification at page 14 that refers to steps in Figs. 3 and 4, but fails to refer to Fig. 4. Applicants believe that the paragraph is on page 17, beginning at line 8 and not on page 14. Applicants have amended the paragraph on page 17 to refer to Fig. 4. It is believed that Fig. 4 provides (without limitation) support for the amendment. Accordingly, Applicants respectfully request that the Examiner withdraw the objection.

The Examiner objected to Fig. 1 for illustrating reference number 34 without a corresponding reference in the specification to reference number 34. Applicants submit herewith a replacement sheet for Fig. 1 in which reference number 34 is deleted without prejudice. Applicants respectfully request that the Examiner withdraw the objection.

### Rejection of the Claims

The Examiner rejected claims 1-3 and 5-9 under 35 U.S.C. § 102(b) as being anticipated by Uchiyama (US 5,024,134). Claims 11-13 were rejected under § 103(a) as being unpatentable over Uchiyama in view of Yoshida (US 4,951,545). The Examiner rejected claims 15-17 under § 103(a) as being unpatentable over Uchiyama in view of Szalay (US 5,717,155). The rejections are respectfully traversed. Each claim will be addressed below.

### Claim 1

Claim 1, as amended, is directed to an electronic musical instrument. The instrument comprises a plurality of pitch designation operating elements and an effect-application operating element to switch ON/OFF operations for obtaining a choking effect. The instrument also comprises a controller responsive to the ON/OFF operations of the effect-application operation element to apply or not the choking effect applied to a pitch of a musical tone for a channel designated by depressing one of the pitch designation operating elements.

Thus, in the claimed invention, the choking effect is realized by simply depressing one of the pitch designation operating elements and operating the effect-application operation element. For example, a user playing the instrument of Fig. 1 can obtain the choking effect by depressing one of the fret operating elements (35a, 35b . . .) while operating arm 15.

Uchiyama discloses a stringed musical instrument having a fingerboard 104, strings 105 and a tremolo arm 111. The Examiner cites to Col. 9, lines 21-31 for disclosing "effects elements to add variety to the tones and a controller to provide control of said effects and pitch . . . such as a choking effect." The cited paragraph discloses that, once a tone generation is started, a player can

change the tension of the plucked string by operating tremolo arm 111 or can perform a choking operation by shifting the string in the widthwise direction of the fingerboard 104. Either action changes the pitch period of the vibration of the plucked string, which is then extracted to be output to a musical tone generator 305.

The user in Uchiyama thus must shift the string in the widthwise direction of the fingerboard to obtain a choking effect. The present invention does not require shifting a string at all to obtain a choking effect. The control for producing a choking effect is simply responsive to the operation of an effect-application operating element while depressing a pitch designation operating element. No such control is disclosed in Uchiyama. It is noted that tremolo arm 111 does not meet the recited effect-application operating element. As the cited paragraph clearly describes, tremolo arm 111 merely changes the tension of a plucked string 105. It does not switch ON/OFF operations for obtaining a choking effect as recited in claim 1.

Accordingly, Uchiyama fails to disclose “an effect-application operating element provided on said musical instrument body in a vicinity of said timing determination operating elements to switch ON/OFF operations for obtaining a choking effect” and “a controller responsive to the ON operation of said effect-application operating element, for providing control to obtain the choking effect by raising the pitch of a musical tone being generated by a predetermined amount for a channel among all the sounding channels, for which the pitch has been designated by depression of one of said pitch designation operating elements and in which the musical tone is being generated by said musical tone generator, and responsive to the OFF operation of said effect-application operating element, for providing control to obtain no choking effect.”

Therefore, Applicants respectfully submit that claim 1 is not anticipated by Uchiyama.

#### Claim 2

Claim 2, as amended, recites “an effect-application operating element provided on said musical instrument body in a vicinity of said timing determination operating element to switch ON/OFF operations for obtaining a choking effect” and “a controller responsive to the ON operation

of said effect-application operating element, for providing control to obtain the choking effect by raising the pitch of a musical tone being generated by said musical tone generator by a predetermined amount, and responsive to the OFF operation of said effect-application operating element, for providing control to obtain no choking effect, said controller providing control to vary the pitch of the musical tone during choking according to an operating manner of said effect-application operating element.”

Applicants respectfully submit that Uchiyama fails to disclose the above recitations. As discussed above with respect to claim 1, Uchiyama discloses that a choking effect is obtained by shifting a string along the width of the fingerboard. There is no disclosure or suggestion of controller that is responsive to the operation of an effect-application operating element to control the choking effect and to vary the pitch during choking according to how the effect-application operating element is operated. Accordingly, Applicants respectfully submit that claim 2 is not anticipated by Uchiyama.

### Claim 3

Claim 3, as amended, recites “an arm disposed in a vicinity of said timing determination operating element to switch ON/OFF operations for gradually raising the pitch of a musical tone” and “an auto-choking controller responsive to the ON operation of said arm, for providing control to gradually raise the pitch of the musical tone being generated by said musical tone generator during operation of said arm after the operation of said arm is started, and responsive to the OFF operation of said arm, for providing no control to gradually raise the pitch of the musical tone.”

Applicants respectfully submit that Uchiyama fails to disclose the above recitations. Tremolo arm 111 of Uchiyama does not provide ON/OFF operations for obtaining a choking effect. It merely changes the tension of the strings as described in Col. 9, lines 21-31. Furthermore, there is no disclosure or suggestion of controller that is responsive to the operation of arm 111 to provide

control to gradually raise the pitch of the musical tone being generated as recited in claim 3. Accordingly, Applicants respectfully submit that claim 3 is not anticipated by Uchiyama.

Claims 5-9

Claims 5-9 depend from claims 1, 2 or 3. Accordingly, Applicants respectfully submit that these claims are not anticipated by Uchiyama for at least the reason set forth above with respect to claims 1-3. Applicants note that claims 5 and 6 have been amended to change the word “operatable” to “operable.”

Claims 11-13

Claims 11-13 depend from claims 1-3 respectively. Applicants respectfully submit that Yoshida does not make up for the deficiencies of Uchiyama as it was merely cited for disclosing the additional effect of vibrato. Accordingly, claims 11-13 are patentable over Uchiyama and Yoshida for at least the reasons set forth above.

Claims 15-18

Claims 15-17 depend from claims 1-3 respectively. Applicants respectfully submit that Szalay does not make up for the deficiencies of Uchiyama. Accordingly, claims 15-17 are patentable over Uchiyama and Szalay for at least the reasons set forth above. Applicants note that claims 15-17 have been amended to change the word “operatable” to “operable.”

Applicants have similarly amended claim 18.

Claims 19-21

New claims 19-21 depend from claims 1-3 respectively. It is believed that these claims are patentable over Uchiyama for at least the reasons set forth above with respect to claims 1-3.


In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

If, for any reason, the Examiner finds the application other than in condition for allowance, Applicants request that the Examiner contact the undersigned attorney at the Los Angeles telephone number (213) 892-5630 to discuss any steps necessary to place the application in condition for allowance.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing Docket No. 393032043700.

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Respectfully submitted,

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Enclosure: Replacement Drawings – 2 sheets (Figs. 1 and 2)